

Before the Board of Zoning Adjustment, D.C.

PUBLIC HEARING - July 17, 1968

Appeal No. 9686 National Bank of Washington, Trustee,
et al, appellant.

The Zoning Administrator of the District of Columbia, appellee.

On motion duly made, seconded and unanimously carried, the following Order was entered at the meeting of the Board on July 17, 1968, and confirmed on July 23, 1968.

ORDERED:

That the appeal for variance from the use provisions of the R-1-B district to permit a convalescent home at 1229-1237 Franklin Street, N.E., lots 20-24 inclusive, square 3936, be denied.

FINDINGS OF FACT:

- (1) The subject property is located in an R-1-B district.
- (2) The property consists of five lots containing approximately 34,950 square feet in total.
- (3) The five lots are now improved with three structures, two are large single family frame detached structures and one is a two-story brick detached dwelling.
- (4) The two frame structures are now occupied and the brick structure is vacant and has been subjected to some vandalism.
- (5) It is proposed to construct a building on the site to operate a nursing care facility, convalescent home, home for the aged and training school for medical facility personnel, including but not limited to laboratory technicians, nurses aids, practical nurses, custodial care personnel and nurses.
- (6) Under Section 3104 of the D.C. Zoning Regulations, a convalescent or nursing home is first permitted as a matter of right in the R-4 district.
- (7) There was objection to the granting of this appeal registered at the public hearing.
- (8) The Board denied the subject application from the bench at the public hearing for failure to show that the property could not be used for its zoned purpose.

OPINION:

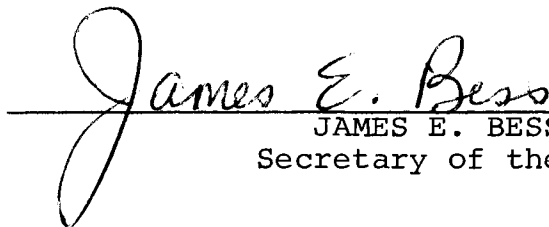
We are of the opinion that this appeal must be denied.

This appeal was filed as a variance from the use provisions of the R-1-B district to permit the proposed use. In order to grant such a variance, the Board must find that the property cannot reasonably be used for its zoned purpose. This, the appellant cannot do since the property is now being used for single family dwelling purposes. The proposed use may have particular merit for the organization proposing it, but the Zoning Regulations control the use of the property and we find that the proposed use of this property would not be in harmony with the purpose and intent of the zoning regulations and map and would tend to have an adverse affect upon the use of nearby and adjoining property as single family residential property.

BY ORDER OF THE D.C. BOARD OF ZONING ADJUSTMENT

ATTESTED:

By:


JAMES E. BESS
Secretary of the Board